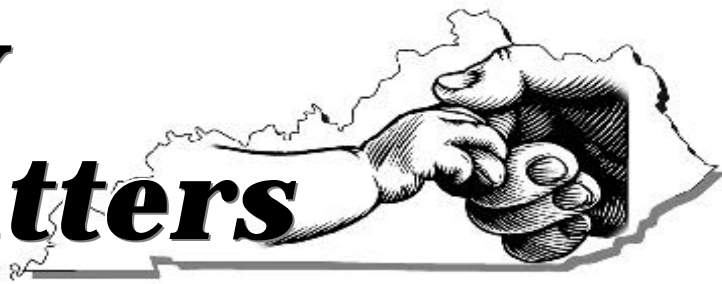


Kentucky Family Matters



Quarterly News & Information About Kentucky's Family Courts

March 2002

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Visit us on the
Web at
www.kycourts.net

FAMILY COURTS 2002-AN UPDATE

• *Chief Justice Speaks To Circuit Clerks At Renfro Valley—Family Courts on Agenda*

The Circuit Clerks held an Interim Legislative Update meeting March 7-8 to review the potential impact of bills being heard before the General Assembly on the Administrative Office of the Courts and the clerks' offices. The agenda included a panel of judges and circuit clerks who discussed the impact of family courts in their communities and the implications of the proposed amendment to the Kentucky Constitution. Circuit Judge Julia Adams, District Judge Jeff Walson, and Family Court Judge Jeanne Logue were invited to speak, along with Circuit Clerks Gary Haddock and David Hunt. The panel shared a great deal of positive energy about the family court projects already operational. Chief Justice Lambert welcomed the clerks to Rockcastle County, and the Rockcastle Circuit Clerk Teresa Vanzant invited those present to visit the Lincoln/Rockcastle/Pulaski family court to learn more about its operation.



Chief Justice Joseph E. Lambert
Photo: © 2002 Jim Battles

• *Brown Bag in June On—Impact of Divorce On Children*

The Department of Family Courts is planning a one-hour brown bag lunch education opportunity for the Administrative Office of the Courts in June. While our last brown bags have focused more specifically on family courts in general, and how they operate, the June brown bag will focus on the impact of divorce on children. We hope to periodically offer educational opportunities for staff on issues that our judges and family court staff see daily. This brown bag is scheduled for June 20th.

• *Writing Seminar For Jefferson Family Court Judges*

The Jefferson Family Court judges participated in a day long training on judicial writing. Professors from the University of Louisville, Brandeis School of Law along with retired Court of Appeals Judge Michael McDonald facilitated the seminar. The workshop included a writing project to be critiqued by the law professors, an exercise that most of the judges enjoyed, but may have caused some law school exam flashbacks!

• *Family Courts Expand To Four New Sites*

The groundwork is being laid to welcome four new family court sites starting in April 2002. These sites include the 37th Judicial Circuit (Carter, Elliott, Morgan counties), the 5th Judicial Circuit (Webster, Union, Crittenden), the 51st Judicial Circuit (Henderson) and the 41st Judicial Circuit (Jackson, Clay, Leslie). The Circuit and District Judges, Circuit Clerks and community members have begun the planning process to enable a smooth transition to the family court.

• *Pilot Of New KyCourtsII*

Clark and Jefferson Family Courts have been among the first to pilot the KyCourtsII program and implementation in both places has been smooth and successful. Feedback from the users in these courts has been instrumental in program improvement and we applaud their hard work.

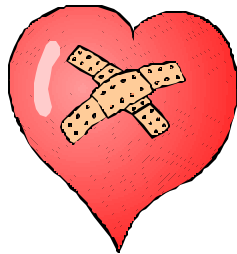
Kentucky Family Matters is a forum for the exchange of ideas and information relevant to family courts. The viewpoints expressed in the articles submitted do not necessarily represent the viewpoint of the Administrative Office of the Courts. The Department of Family Courts does not guarantee the accuracy of the information contained in submitted articles and is not responsible for any errors, omissions, or results obtained from use of the information.

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provides a very
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FRANKLIN ...

Nancy L. Hulett

Franklin Family Court is very appreciative of the Franklin County CASA and the very challenging work they've done on behalf of the abused and neglected children of Franklin County. They



are always ready and available to assist, and their dedication to the children is obvious in the tasks their cases demand. CASA has been in existence in Franklin County since September 1999. CASA now has 20 volunteers who are working with 71 children.

CASA also interacts with the Family Court Domestic Violence Multi-disciplinary Team. This helps us all determine how the children in our families are being traumatized by do-

mestic violence and how the participating agencies can intervene to empower the families towards a safer and productive lifestyle. The cycle of domestic violence and its devastating effect on our children can be thwarted.

CASA provides a very valuable service to our community and we are very proud to have them as liaisons with Family Court for our children.

JUST THE FACTS

- Currently six out of every 1,000 children in the U.S. under the age of 18 are in foster care.
- According to the U.S. advisory Board, at least 2,000 children a year, or five children every day, die at the hands of their parents or caregivers.
- In 1993 there were 2.9 million reports of alleged child abuse and neglect—7,945 reports each day.
- There are over 37,000 CASA or GAL volunteers who served an estimated 128,000 children in 1994.
- There are 592 CASA/GAL programs representing all 50 states, with an average of two new programs established every month.

This information comes from the National CASA website at www.casanet.org

KENTUCKY FAMILY COURT PRESENTATION AVAILABLE

The Department of Family Court has created a Power Point presentation on Kentucky Family Court. The presentation is designed as a basic overview of Family Court in Kentucky addressing such topics as: the underlying philosophy, goals, and history of Family Court; the proposed Family Court Constitutional Amendment; and "Nuts and Bolts" of Kentucky Family Court. The presentation is designed as a resource tool and will be distributed, on request, to persons invited to speak about Kentucky's Family Court. The presentation is available in the Power Point format or as overheads and handouts. To obtain a copy of the presentation, please contact the Department of Family Courts at (502) 573-2350.

LINCOLN/ROCKCASTLE/PULASKI ...

Shawn Swanner
Family Court Case Specialist

In 1989, the first drug court was established to process criminal cases of substance-abusing offenders through comprehensive supervision, testing, treatment, sanctions and incentives. The National Association of Drug Court Professionals deemed it appropriate to name the newly established Drug Court Hall of Fame after the first drug court judge, the Honorable Stanley M. Goldstein. Because of Honorable Judge Debra Hembree Lambert's influence in the drug field and the

drug court movement, she has recently been inducted as the first member of the National Association of Drug Court professionals (NADCP) Stanley Goldstein Drug Court Hall of Fame.

Judge Lambert received this award at the closing session of the 3rd Annual NADCP and Juvenile Drug Court Training in Reno, Nevada where she spoke on the importance of working with children and families. "Drug Courts are the most effective means we have for healing families affected by drugs," Lambert said. Ken



Hon. Debra Hembree Lambert

Creekmore, 28th Judicial District's drug court coordinator, also attended the conference.

"Drug Courts are the most effective means we have for healing families affected by drugs."

- Hon. Debra Hembree Lambert

McCracken ...

Nita Pursley
Family Court Administrator

In recent months McCracken Family Court has worked diligently to improve the management of Domestic Violence cases. Our new Domestic Violence Protocol was approved by Chief Justice Lambert in November and Judge Sanderson arranged a meeting to introduce it on December 14, 2001. Representatives from the sheriff's office, city police department, state police victims advocate, county attorney's office and the city police de-

partment were present. One outcome of that meeting has been information sessions provided to the city police department by our staff attorney and our case specialist.

Judge Sanderson regularly orders domestic violence assessments for respondents in domestic violence court and we follow up with review dates, reports from the service providers, and show cause actions when the parties are not in compliance. At the

time individuals obtain an EPO they are given information regarding domestic violence information sessions provided by Women Aware. They are encouraged to attend a session prior to court. This helps reduce the number of people asking for the order to be dismissed. The session is to help individuals understand the cycle of violence.

UPCOMING EVENTS

Regional Meeting/Bowling Green, KY	May 2-3, 2002
Regional Meeting/Lexington, KY	May 7-8, 2002
Regional Meeting/Somerset, KY	May 15-16, 2002
Regional Meeting/Prestonsburg, KY	May 20-21, 2002
Regional Meeting/Louisville, KY	May 23-24, 2002
Regional Meeting/Ft. Mitchell, KY	May 29-30, 2002
Family Court Conference/Louisville, KY	June 5-7, 2002

THE STATUS OF WOMEN IN KENTUCKY

BY: JIM WATERS / PARK CITY DAILY NEWS

Not only has Warren Family Court Judge Margaret Ryan Huddleston broken through some of the barriers in her male-dominated profession, but she's also determined to help other Kentucky women remove long-standing roadblocks to their own success. That's why - despite overseeing 4,000 hearings this year as part of her job - she's agreed to spend time each month working to help solve problems that have kept the incomes and opportunities for Kentucky women scraping the bottom of the barrel when compared to the rest of the nation. As a member of the newly appointed Governor's Task Force on the Economic Status of Kentucky's Women, Huddleston has a chance to put some of her own experience to work.

"When working with VISTA (Volunteers In Service To America), which is similar to the Peace Corps, in the 1970s and also in poverty law, I had the opportunity to see the poverty among women, primarily in Eastern Kentucky," said Huddleston, who spent 16 years as an attorney before being elected to the bench.

Much of her time as an attorney was spent providing legal services to the poor. "What I saw was a lack of education and transportation, as well as a lack of jobs," she said. "This commission has given me an opportunity to help bring about some positive movement in those areas."

Huddleston is one of 49

members on the commission that held town meetings at eight sites throughout the state in May. A report compiled from those meetings suggests there are concerns that affect women across the state, such as incomes and education. The meetings also focused on issues deemed to be obstacles to the economic progress of Kentucky women, aiming at identifying solutions and developing a plan of action.

"This will result in moving the entire commonwealth toward a higher standard of living and a brighter future," said Gov. Paul Patton at a recent news conference announcing the group's purpose. Patton said the commission is important toward realizing a particular goal: a state standard of living higher than the national average within 20 years.

Currently, about 25 percent of Kentucky families have incomes below \$15,000; more than 17 percent of female-headed households fall below that level, according to the Kentucky Long-Term Policy Research Center. The Institute for Women's Policy Research indicates that Kentucky ranks in the bottom third of the nation in both the percent of college-educated women and the number of businesses owned by women. The commission, which is co-chaired by first lady Judi Patton and former Gov. Martha Layne Collins, includes members of Ken-

tucky's political and business communities.

In the coming months, commission members will oversee five different subcommittees covering education and leadership; economic development and employment; women in positions of power; social and cultural barriers and state government employees. Nearly 450 volunteers make up these committees. Huddleston, who is helping oversee the Women in Position of Power subcommittee, said she is concerned not only about women being successful, but also in the way they advance. "One reason that I focused on the subject is that I think the way a woman advances to a position of leadership is still different - or thought of differently - than the way a man does," she said. "I know in court sometimes it seems more acceptable even to other women for a male attorney to argue his case than it does for a woman attorney. But that's not the way it should be. "I think it needs to stay on a professional level, both with men and women." Though sometimes it's still tough for women to get that professional respect - especially in male-dominated fields - progress has been made.

"There have been improvements in areas such as legal and medical fields; in a lot of cases, it's become 50-50. In medical schools in some places, it's even become 51-49," Huddleston said. But there is



Hon. Margaret R. Huddleston

still much work to be done - especially in helping women get basic educations and following through with them once they are back in the work force.

"Welfare reform has done a lot to get women back into the work force, but we need to help them stay the course," Huddleston said. "They still need help with things like subsidized child care and health care." The statistics support Huddleston's concerns. Two-thirds of single-mother families with children under the age of 6 were living in poverty in 1999, according to the Kentucky Long-Term Policy Research Center. The commission's report stated concerns that as women - who make up nearly 88 percent of recipients of Kentucky Transitional Assistance Program - reach their term limits in the upcoming months, the problem will grow in severity.

Working with family court issues and being involved with Kentucky's efforts to approach issues of family conflicts and domestic violence has given Huddleston an insider's perspective on the issue.

Children's Art Contest

WOW! What a great response we had for the Children's Art Work Contest. The theme, *What does Family mean to you*, was shown from many different aspects through these children's eyes. The judges really had a tough time deciding winners in each age group, thanks to the many talented children who participated. Everyone is considered a winner and the artwork will now be framed and hung in the Department of Family Court. Congratulations to the following :

Age 3-4

1st Place-Michiah Cook
2nd Place-Madison Todd

Age 5-7

1st Place-Victoria Lynn Wilson
2nd Place-Elizabeth Kidd

Age 8-10

1st Place-Allison Briones
2nd Place-Wendy Anderson

Age 11-14

1st Place-Cayce Wilson
2nd Place -Andrea Barnes

**April is
Child Abuse
Prevention
Month**

Family COUaT and the H??D Raising Gang Members

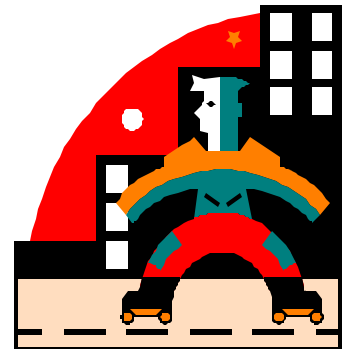
On February 25, 2002, Family Court participated in the first "Street Gang Seminar" held in Christian County. It was hosted by The Regional Organized Crime Information Center (ROCIC), the Midwest Gang Investigator's Association (MGIA), Kentucky Chapter, Bureau of Alcohol, Tobacco and Firearms, Kentucky Probation and Parole, Hopkinsville Police Department, and Christian County Jail. The purpose of the seminar was designed to familiarize criminal justice professionals, community leaders, and juvenile service agencies with the fundamentals of gangs and gang-related activities.

Gangs have infected our society and destroyed our neighborhoods since the Revolutionary War. The first American criminal gangs in New York City

were the Forty Thieves, formed by Irish immigrants in 1826. They had dress codes and called their members by code nicknames. In mid-1920's there were 1,313 gangs in Chicago with more than 25,000 members. In 1940 Chicano Gangs were established in Los Angeles. In the 1960's Black Panthers arose in Oakland as well as the Black Muslims. In 1970's Puerto Rican gangs emerged. In 1980's Vietnam, El Salvador and Haitian gangs all emerged fighting for territory. In 1998, there were 846,000 gang members, 31,000, named street gangs and statistics showed that of the violent gangs there were ninety-four percent (94%) in all large to medium cities.

In the past, criminal courts have had the arduous responsibility of dealing

with these anti-social, violent boys who travel in packs. But Family Court will be pulled into this responsibility soon enough, if not already. Most gang members are between the ages of 13 and 24, but recruiting younger children has become the trend and has become easier than ever. We are seeing an increase in co-ed gangs, were young girls join boy gangs. The initiation process for a boy joining a gang is being "jumped or beaten-in" but for the girl it is "sexed-in" where the young girl is required to have sex with every male member of the gang. Often these girls will become pregnant by a gang member and the gang will raise the baby. In Hispanic gangs, law enforcement is finding evidence where the grandfather, father, son, brother and child are all apart of the same gang. A video tape



confiscated from a gang member showed two small children, between the ages of 3 and 5, doing gang hand signals and wearing gang colors. Today, parents who are in gangs raise their children to be gang members. It is proven that juvenile gang members are more likely than not to continue in gang activity as an adult. Gang issues will begin, if they haven't already, to slither into every part of the legal system. Family Court needs to be aware of the signs and be knowledgeable about gang activities in the community.

“One of the goals of the Department of Family Court is to provide information to the public regarding Kentucky Family Court and to provide resources to locate answers to family-related issues.”

FREQUENTLY ASKED QUESTIONS

One of the goals of the Department of Family Court is to provide information to the public regarding Kentucky Family Court and to provide resources to locate answers to family-related issues. To meet that goal, our Department frequently answers questions via email from families (parents, grandparents, etc.). As Court of Justice employees we are statutorily prohibited from providing legal advice; however, we make every effort to provide families with beneficial information and resources.

In an effort to share information and resources with even more families, we have decided to include a “Frequently Asked Questions” section as a regular feature in *Family Matters*. We hope the information shared will prove valuable to many Kentucky families.

What is a guardian ad litem?

A guardian ad litem or GAL is a regular, practicing attorney of the court, who’s duty is to advocate for the client’s best interest in the proceeding to which the GAL is appointed. GALs are allowed reasonable fees for services rendered. Specific information regarding GAL appointments, qualifications, duties, and fees can be found in KRS 387.305.

GALs are often appointed as advocates for

children. In such situations, the guardian ad litem would, in a sense, stand in the child’s shoes and exercise substitute judgment for the child. Contact Dependent Children Services, a department of the Administrative Office of the Courts, at (502) 573-2350 for more information on guardians ad litem and how they may help.

Can my spouse and I make our own custody, support, and visitation agreements for our children?

Upon separation or dissolution of marriage, parties may enter into a written agreement containing provisions for custody, support, and visitation of their children. Such agreements are encouraged to promote amicable settlement of disputes. However, these agreements are NOT binding on the court. See KRS 403.180. The court makes custody

decisions based upon the best interest of the child as outlined in the child custody statute (KRS 403.270). Further, awards of support must be consistent with the parameters set forth in the child support guidelines (KRS 403.212).

Are Family Court fees/costs higher than District/Circuit Court costs? Does Family Court cost litigants more money?

Court fees are based upon statutory guidelines regardless of which court the litigant appears before. Litigants are not charged additional fees merely because they appear in Family Court. As in any court there may be costs associated with special services offered. Care is always taken to accommodate the indigent litigant.



MURDER IN THE FIRST AND FAMILY COURT

KATHRYN BAILLIE/CHRISTIAN/LAW CLERK

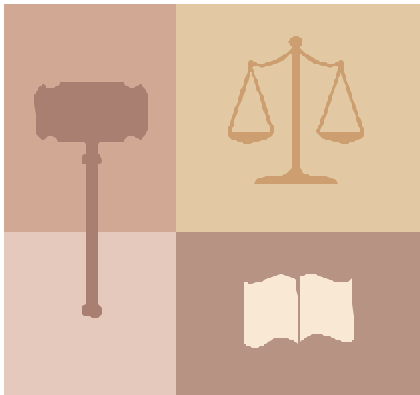
With allegations flying from the Prosecution, alibi's being thrown by the Defense, and Judge Judy Hall presiding, members of the jury found the defendant not guilty of first-

degree murder. High school students from Lyon County, Ft. Campbell, and Paducah Tillman participated with each school playing a role as defense, prosecution, wit-

nesses, and jurors, in the 2002 Kentucky High School Mock Trial Practice Tournaments held February 16, and February 23. Judge Hall, Lindsey Adams, Katherine Demps, and Walter Hawkins, Christian County attorneys, judged both practice rounds.

This event is held annually for six straight weeks beginning February 16 and ending with the semi-finals March 23. Billy Stover, State Coordinator for Dependent Children of Foster Care Services, is the coordinator for the Mock Trial competition. This year thirty-two schools from Kentucky

are competing in the semi-finals for Nationals; however, only one team will advance to Nationals. Judge Hall will be judging the semi-finals which will be held in Frankfort. Forty-two States participate in Nationals, and Kentucky has always given a good showing. Nationals will be held in St. Paul, Minnesota, in May of 2002. Good luck to all the participants. Watch out Kentucky Bar, these kids are good.



To The Editor...

I read with interest the article by Hon. Kyle Deskins regarding separation agreements in the December, 2001, issue of Family Matters. He correctly noted that separation agreements are sometimes called property settlement agreements. Have you ever noticed how many times those agreements include provisions for custody of children? The paragraph on custody and visitation can be found in page three after the distribution of the sofa and microwave. Are those children considered property by the drafters of these agreements?

As a past Domestic Relations Commissioner in Breathitt, Wolfe, and Powell Counties for seven years, I observed a few parents who seemed to view their children as private property. These parents believed they had a right to treat their children however they wanted, and it was nobody else's business. We, as lawyers may contribute to this mistaken notion by labeling our agreement as property settlement agreements.

I suggest that in the future we attorneys call these agreements separation agreements or custody and property settlement agreements. That would be more accurate.

*Sincerely,
Virginia Meagher
Attorney at Law*

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